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SUBJECT: MOVING FORWARD ON THE COMPREHENSIVE TEST BAN TREATY

REF: UNVIE 13

Classified By: Ambassador Gregory L. Schulte, reasons 1.4, b and d.

11. (C) Summary. With the United States one of nine countries whose ratification is necessary for the Comprehensive Test Ban Treaty (CTBT) to enter into force, the new Administration's promise of a change in US policy has drawn great attention in Vienna. Although good progress has been made in recent years in the development of the International Monitoring System (IMS), the "eyes and ears" of the Treaty, lack of prospects for entry into force of the Treaty has eroded international support for continuing efforts on the IMS. There are several short and medium term steps the U.S. could take even without ratification that would immediately signal renewed U.S. support of the Treaty, including re-joining discussions on efforts to promote ratification and sessions devoted to the On-Site Inspection regime envisaged by the Treaty, as well as paying the roughly USD 45 million owed to organization. Hurdles to continued progress toward completion of the IMS include lack of G77 support, due to the poor prospect of entry into force of the Treaty, and the lingering issue of a Palestinian request for observer status in the organization. End Summary.

Ratification and Entry into Force

2.(C) In Vienna, many countries see the Comprehensive Nuclear Test Ban Treaty (CTBT) as an integral piece of the constellation of international disarmament treaties. The prospect of U.S. ratification of the CTBT, if closely coupled with efforts to actually bring the Treaty into force, could significantly improve the atmosphere in a range of non-proliferation discussions, including efforts at the IAEA on Iran and an international fuel bank.

13. (C) Annex II of the CTBT lists 44 states which must ratify the Treaty before it comes into force. 35 of these countries have already ratified. Six Annex II states have signed the Treaty but not yet ratified: the United States, China, Indonesia, Iran, Egypt, and Israel. Finally three Annex II states have neither signed nor ratified: India, Pakistan, and the DPRK. Mission strongly believes that any possible movement toward U.S. ratification should be accompanied by a strong effort to bring about ratification by other Annex II states.

14. (C) Up to this point Iran has been able to pose as a strong supporter of the Treaty, even though it has not yet ratified. Since U.S. policy has been that the U.S. does not support the Treaty and will not move toward ratification, it has not been possible to call Iran's bluff on this issue. If a number of outstanding states, particularly Egypt and

Israel, could be persuaded to ratify, Iran would find itself isolated and forced to answer the question of why it has not ratified.

The International Monitoring System

15. (U) The Treaty envisages a verification system comprised of 321 stations of different sorts around the world, along with 16 radionuclide laboratories. As of the end of 2008, 235 stations and ten radionuclide laboratories had been certified. This figure amounted to 73 percent of the primary IMS stations, 74 percent of the auxiliary seismic stations, and 63 percent of the radionuclide labs. The remaining stations will be more difficult to bring on line, for either political reasons or the challenging physical locations (Antarctica, for example.)

Possible Short and Medium Term Actions

16. (U) We offer below a short list of steps the Administration could take to signal a new approach, even while awaiting a Congressional decision on ratification. Mission has already begun to move in this direction, attending, for example, a recent informal meeting on ratification where the Ambassador dropped by briefly.

-- Re-engage with On-Site Inspection Activities: The U.S. does not currently participate in CTBTO activities concerning the on-site inspection portion of the Treaty, in accordance with the policy enunciated in 2002. The U.S. has also had a policy of withholding the portion of its assessment which would have gone to on-site inspection activities. A quick decision to re-engage on the on-site inspection activities would send a strong signal to the international community that that the U.S. was ready to play an active role in promoting the Treaty.

-- Re-engage with Article XIV Activities: Article XIV of the Treaty calls for states signatories to cooperate actively to promote ratification. It also calls for Article XIV conferences to be held periodically to assess the progress toward ratification and consider strategies for moving ratification forward. The next such conference will be held in New York in September 2009. Conference organizers chose New York as the venue with the hope that the Secretary might be able to attend. Participation by the Secretary would send a very strong signal of renewed engagement.

-- Take the Lead: Current policy calls for U.S. delegations at CTBT meetings to keep a low profile. The U.S. delegations never make national statements, for example. If the U.S. adopts a policy of support for the Treaty, the U.S. should once again exert leadership at meetings, instead of passively defending narrow U.S. interests.

-- Pay Up: The U.S. has been late in the payment of its assessments, and the Administration has not requested sufficient funds from Congress. Any new policy of support for ratification of the CTBT should be accompanied by a clear effort to pay all U.S. obligations in full and on time. The U.S. now owes roughly USD 45 million (depending on the Euro exchange rate) for unpaid 2008 and 2009 assessments.

-- Fund Developing Country Experts: The Preparatory Commission, relying on extra-budgetary funding, has begun a program of funding the participation of experts from the G77. Reftel explains proposed US funding as a way to encourage a more cooperative attitude from the G77.

-- Consider Contributions: Finally, the U.S. should consider enhanced support for the Provisional Technical Secretariat through the use of voluntary contributions and cost-free experts, as is the case with the International Atomic Energy Agency, for example.

Short and Medium Term Obstacles: the G77

¶17. (C) The G77 has in recent years taken an increasingly negative view of the CTBT, largely because of lack of U.S. support for the Treaty and the consequent conclusion that entry into force of the Treaty was impossible. In addition, many countries were unhappy that the U.S. pushed for completion and operation of the International Monitoring System, while rejecting the Treaty. Some argued that the U.S. wanted to have its cake and eat it to, remaining aloof from Treaty obligations while enjoying the benefits of a world-wide monitoring system.

¶18. (U) As a result of these concerns and consequent lack of broad-based support, absent a realistic prospect of entry into force of the Treaty, progress on the IMS has been slowed. On the one hand, the budget of the PTS has remained essentially static for the last several years, despite the great costs of operating and maintaining the large number of stations being certified and coming on line. Another result of lack of broad support for moving ahead with the IMS was the decision that the IMS would only operate "provisionally," pending greater prospect of entry into force of the Treaty. While "provisional operation" is not well defined, it has prevented the PTS from moving toward full 24/7 operation, and it has allowed Iran and the G77 to argue against the need to continue with the construction and certification of new stations.

¶19. (U) As the Secretary stated in her confirmation hearing, any U.S. decision to ratify the Treaty should be accompanied by strong efforts to bring the Treaty into force. A realistic prospect of entry into force would radically change the atmosphere in meetings and remove rhetorical targets for countries such as Iran.

Short and Medium Term Obstacles: Palestinian Observership

¶10. (U) In recent sessions of the Preparatory Commission, the request of Palestine for observer status in the Commission has taken up an inordinate amount of time and caused much ill will. Up to this point, the PrepCom has operated as a consensus organization, but the Palestinian issue threatens to break this precedent. At the last PrepCom meeting in November 2008, Egypt was only dissuaded from calling for a formal vote on the issue when it was persuaded that it would lose. The U.S. position has been that the Preparatory Commission is a technical organization which should be kept free of politics. Since Palestine is not a state and, in any case, the Treaty does not specify any IMS stations in the immediate region, it has no reason to be an observer in the PrepCom.

¶11. (SBU) The Israelis have told the PrepCom chair that this is an issue which must be dealt with in capitals. Either the Palestinian Authority or some country acting on its behalf--Egypt, for example-- must approach the Israeli Government to discuss the matter. Neither the Palestinians nor the Egyptians have been willing to take such a step, and the stalemate continues to poison the atmosphere in the Preparatory Commission.

¶12. (SBU) Mission suggests that the Department might wish to consider whether resolution of the observership issue could be used in Middle East talks as a possible confidence building measure that would bring ancillary benefits in Vienna.

SCHULTE